



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/776,037 Confirmation No.: 1520
Applicant : Yock, et al.
Filing Date : February 9, 2004
Title : METHODS AND KITS FOR LOCALLY ADMINISTERING AN ACTIVE
AGENT TO AN INTERSTITIAL SPACE OF A HOST
Group Art Unit : 1633
Examiner : Marvich, Maria
Docket No. : 13854.4004
Customer No. : 34313

Commissioner for Patents
Mail Stop Amendment
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of the cited references were previously cited by or submitted to the Patent Office in connection with the prior application Serial No. 09/519,950 which this application claims priority under 35 U.S.C. § 120. Accordingly, copies of the cited references are not being separately provided in this application pursuant to 37 C.F.R. § 1.98(d).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be

03/22/2006 BABRAHA1 00000027 150665 10776037 CERTIFICATE OF MAILING
(37 C.F.R. § 1.8)
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I hereby certify, pursuant to 37 CFR § 1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 16, 2006
Date of Deposit
DOCSOC1:173597.1


Valerie Cloyd

Applicant : Yock, et al.
Appl. No. : 10/776,037
Examiner : Marvich, Maria
Docket No. : 13854.4004

material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue

Applicant : Yock, et al.
Appl. No. : 10/776,037
Examiner : Marvich, Maria
Docket No. : 13854.4004

fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.


PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☒ Please charge \$180.00 to Deposit Account No. **15-0665** for the above fee(s).
- ☒ The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:


Charles C. Fowler
Reg. No. 39,675

Dated: March 16, 2006

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Sheet	1	of	2	Application Number	10/776,037
				Filing Date	February 9, 2004
				First Named Inventor	Paul G. Yock, et al.
				Art Unit	1633
				Examiner Name	Marvich, Maria
				Attorney Docket Number	13854.4004

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code ² (if known)		
	AA	4,459,977	7/1984	Pizon, et al.
	AB	4,689,041	8/1987	Corday, et al.
	AC	4,934,996	6/1990	Mohi, et al.
	AD	5,011,468	4/1991	Lundquist, et al.
	AE	5,533,957	7/1996	Aldea
	AF	5,597,377	1/1997	Aldea
	AG	5,824,071	10/1998	Nelson, et al.
	AH	5,874,402	2/1999	Singh, et al
	AJ	5,855,238	3/1999	Stevens et al
	AK	5,913,842	6/1999	Boyd, et al.
	AL	5,922,687	7/1999	Mann, et al.
	AM	5,925,683	7/1999	Park
	AN	5,985,847	11/1999	Carson, et al.

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country ³ Number ⁴ Kind Code ⁵ (if known)			
	BA				
	BB				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Baumbach, et al. (1999). "Local drug delivery; Impact of pressure, substance characteristics, and stenting on drug transfer into the arterial wall" <i>Catheterization and Cardiovascular Interventions</i> , vol. 47: 102-106	
	CB	Boekstegers, et al. (1999). "Regional and highly efficient myocardial gene transfer by selective pressure-regulated retroinfusion of coronary veins" <i>JACC, Abstracts, Hypertension, Vascular Disease, and Prevention</i> p. 223A.	

Examiner Signature	DOCSOC1:173594.1	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicants unique citation designation number (optional). ²See Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
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				Art Unit	1633
				Examiner Name	Marvich, Maria
Sheet	2	of	2	Attorney Docket Number	13854.4004

	CC	Boekstegers, et al. (2000). "Myocardial gene transfer by selective pressure-regulated retroinfusion of coronary veins" <i>Gene Therapy</i> , vol. 7:232-240	
	CD	Gerber et al. (2000). "The coronary venous system: An alternate portal to the myocardium for diagnostic and therapeutic procedures in invasive cardiology" <i>Current Interventional Cardiology Reports</i> , vol. 2: 27-37.	
	CE	Von der Leyen et al. (1999). "A pressure-mediated nonviral method for efficient arterial gene and oligonucleotide transfer" <i>Human Gene Therapy</i> , vol. 10: 2355-2364.	

Examiner Signature	DOCSOC1:173594.1	Date Considered	
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